

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 4-8, and 10-15 are presently pending in this case. Claims 1, 4-7, and 12 are amended by the present amendment. As amended Claims 1, 4-7, and 12 are supported by the original disclosure,<sup>1</sup> no new matter is added.

In the outstanding Official Action, Claims 1, 2, 4-6, 14, and 15 were rejected 35 U.S.C. §101; Claims 1-6, 14, and 15 were rejected under 35 U.S.C. §112, second paragraph; and Claims 1-15 were rejected under 35 U.S.C. §102(e) as anticipated by Kanemitsu (U.S. Patent No. 6,928,262).

With regard to rejection of Claims 1, 2, 4-6, 14, and 15 under 35 U.S.C. §101, Claim 1 is amended to recite “a hardware communication unit” to tie this claim to a particular machine, namely the hardware communication unit. Accordingly, Claim 1 (and all claims dependent therefrom) is in compliance with the machine or transformation test enunciated in *In re Bilski*, and thus with all requirements under 35 U.S.C. §101.

With regard to rejection of Claims 1-6, 14, and 15 under 35 U.S.C. §112, second paragraph, it is respectfully submitted that Claim 1 does not omit any essential elements. As amended Claim 1 recites “detection means generating a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword ***as a search result***,” the resulting ranking is the result of the search referred to in the preamble. Accordingly, Claims 1-6, 14, and 15 are in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claim 1 as anticipated by Kanemitsu, that rejection is respectfully traversed.

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<sup>1</sup>See, e.g., Figures 1 and 2 and paragraph 53 of the publication.

Amended Claim 1 recites in part:

a keyword registration unit configured to register a keyword for showing the user's preference in broadcast programs;

a hardware communication unit configured to receive broadcast content information including the titles of said broadcast programs that will be broadcasted by one or more broadcasting stations; and

a detector configured to detect an appearance frequency of said keyword by said broadcast programs, in the broadcast content information received by said communication unit, *said detector configured to generate a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword as a search result.*

Initially, it is respectfully noted that well settled case law holds that "A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (Emphasis added.) See also MPEP §2131. As Kanemitsu clearly does not describe each and every element of any of the independent claims *as set forth in claim*, none of the pending claims are anticipated by Kanemitsu, as described below.

Kanemitsu describes a broadcast receiving device that searches broadcast content for a keyword, and displays all programs that include that keyword at least once.<sup>2</sup> The outstanding Office Action cited column 8, lines 35-61, column 10, lines 19-36, column 11, lines 28-32, and Figure 11 of Kanemitsu as describing "the ranking of said broadcast programs in the descending order."<sup>3</sup> However, it is respectfully submitted that columns 11-16 describe searching based on keywords, where columns 8-11 describe determining a topic, such as "song title," used to display search results. In this regard, the topic selected is the topic selected most often by a user, as described at column 10, lines 19-36. This ranking of topics has nothing to do with searching based on keywords. In a similar manner, column 8,

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<sup>2</sup>See Kanemitsu, column 12, line 9 to column 13, line 5 and Figures 17 and 18.

<sup>3</sup>See the outstanding Office Action at pages four and seven.

lines 35-61 also describes ranking a priority of topics used to display search results. An example of a display of a topic having the highest priority rank is shown in Figure 21 of Kanemitsu. This figure shows that song title is the music topic with the highest priority ranking. Again, this has nothing to do with searching based on keywords. “Song title” is the topic selected most often by a user, **not** a topic having a higher appearance of a keyword. Finally, column 11, lines 28-32 again describes that topics selected most often by a user are ranked in that priority order. Again, this has nothing to do with searching based on keywords. Accordingly, the descriptions in columns 8-11 cannot teach or suggest a “detector configured to generate a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword.”

With regard to columns 11-16, these portions describe that the device of Kanemitsu allows different users to have different keyword suggested to them based on the searches previously made on that device. These portions of Kanemitsu do **not** describe any ranking of the search results based on these keywords. In fact, the portions of Kanemitsu describing the actual content search do not describe that the number of keyword hits in each individual broadcast content is even counted.<sup>4</sup> As Kanemitsu does not describe counting the appearance frequency of the keyword in each broadcast content, Kanemitsu cannot teach or suggest a “detector configured to generate a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword.” Thus, it is respectfully submitted that Kanemitsu does not teach “a detector” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2, 4-6, 14, and 15 dependent therefrom) is not anticipated by Kanemitsu and is patentable thereover.

Moreover, Claims 14 and 15 recite subject matter that further patentably defines over Kanemitsu. The outstanding Office Action cited column 8, lines 35-61 and Figure 22 with

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<sup>4</sup>See Kanemitsu, column 12, line 9 to column 13, line 5 and Figures 17 and 18.

regard to Claims 14 and 15. However, as noted above, column 8, lines 35-61 has nothing to do with keyword searching. In fact, this portion of Kanemitsu refers to Figure 21 as a display of the topic ranking. Figure 21 of Kanemitsu clearly does not describe “a display unit configured to display the ranking of the broadcast programs in the descending order of the higher appearance frequency of the keyword,” as none of topics were selected based on an appearance frequency of any keyword. Further, with respect to Claim 15, Figure 21 clearly does not show any appearance frequencies of a keyword in broadcast content information with a title of each corresponding broadcast program. Accordingly, Claims 14 and 15 clearly further patentably define over Kanemitsu.

Amended Claim 7 also recites in part a “detector configured to generate a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword.” Accordingly, amended Claim 7 (and Claim 8 dependent therefrom) is patentable over Kanemitsu for at least the reasons described above with respect to Claim 1.

Claims 10-13 recite in part “generating a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword.” As noted above, Kanemitsu does not describe that the number of keyword hits in each individual broadcast content is even counted during a content search. Accordingly, Kanemitsu cannot teach or suggest “generating a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword.” Thus, it is respectfully submitted that Kanemitsu does not teach “generating” as defined in Claims 10-13. Consequently, Claims 10-13 are also not anticipated by Kanemitsu and are patentable thereover.

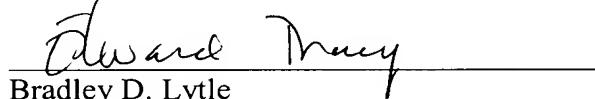
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Reply to Office Action of November 23, 2009

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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